unexplained would be waived by continuing the employment. *Sabin* v. *Kendrick*, 58 App. Div. 108, 68 N. Y. Supp. 546, holds that continuation of employment after breach is a waiver. *Dunkell* v. *Simons*, 7 N. Y. Supp. 655, supports the principal case, but the holding is the minority rule in this country.

MINES AND MINERALS—RESERVATION OF PETROLEUM AND NATURAL GAS.—In a deed to defendant's predecessor "all mineral and mining rights" were reserved to the grantor. Plaintiff here succeeded to those reserved rights. *Held*, that such reservation did not include petroleum and natural gas. *Preston et al.* v. *South Penn. Oil Co.* (Pa. 1913) 86 Atl. 203.

The decision in the case is based on only two Pennsylvania cases in accord with it, and only two other states are cited as reaching the same conclusions. The decision seems to be contrary not only to the weight of authority generally, but even to the law in Pennsylvania. As a general proposition "minerals" include all substances which are obtained from below the surface for profit. *Williams* v. *S. Penn. Oil Company*, 52 W. Va. 188; *Murray* v. *Allred*, 100 Tenn. 100. Salt lakes and salt springs are classed as "minerals." *State* v. *Parker*, 61 Tex. 265. Water is a "mineral." *Ridgeway Light & Heat Co.* v. *Elk County*, 191 Pa. 468; *West Moreland & Cambria Natural Gas Co.* v. *DeWitt*, 130 Pa. 249. Within this definition and these cases oil and petroleum must logically be included. So it seems to be by far the weight of authority in spite of the decision in the principal case. *Ohio Oil Co.* v. *Indiana*, 177 U. S. 190; *Manufacturers Gas & Oil Co.* v. *Indiana Natural Gas & Oil Co.*, 155 Ind. 468; *Gill* v. *Weston*, 110 Pa. 312; *Marshall* v. *Mellon*, 179 Pa. 371; *Williamson* v. *Jones*, 39 W. Va. 231; *Southern Oil Co.* v. *Colquit*, 28 Tex. Civ. App. 292; *Weaver* v. *Richards*, 156 Mich. 320; *Wagner* v. *Mallory*, 169 N. Y. 505; *Kelley* v. *Ohio Oil Co.*, 57 Oh. 317; SNYDER, MINES, §§ 143, 146.

MUNICIPAL CORPORATIONS—BUILDING REGULATIONS.—The city of Denver by ordinance prohibited the erection of store buildings within a specified residence section unless a majority of the land-owners on both sides of the street should consent, and unless the building should be erected a specified distance back from the front line of the lots. *Held*, that both these requirements were illegal, and that the building inspector could not refuse a permit because of non-compliance therewith. *Willison* v. *Cooke*, (Colo. 1913) 130 Pac. 828.

Judicial view expressed almost entirely in dicta is that attempts by municipalities to establish building lines by ordinances are abortive. See 11 MICH. L. REV. 401. The rule has been laid down and often approved that a city cannot, even under express legislative authority, impose restrictions upon the use of private property which are induced solely by æsthetic considerations. 2 DILLON, MUNIC. CORP. (5th Ed.) § 695; *Passaic* v. *Paterson Bill Posting Co.*, 72 N. J. L. 285; *Curran Co.* v. *City of Denver*, 47 Col. 226; 107 Pac. 261, 27 L. R. A. N. S. 544. It is, however, a valid exercise of the police power to establish reasonable restrictions on the character and size of buildings, to provide for security against fire, and to promote the public health or safety. FREUND, POLICE POWER, §§ 118, 128; *Welch* v. *Swasey*, 193 Mass. 364, 214